

JUL 28 1978

RESOLUTION NO. G-6

RESOLUTION OF THE CALIFORNIA TRANSPORTATION COMMISSION
ESTABLISHING PROCEDURES FOR LEASING AIRSPACE TO PUBLIC AGENCIES

WHEREAS, Section 104.12 of the Streets and Highways Code authorizes the California Transportation Commission to establish procedures under which the Department may enter into airspace leases with public agencies subject to such reservations, restrictions, and conditions as the Department deems necessary; and

WHEREAS, Section 14013 of the Government Code provides that the Director may lease airspace to local agencies for public purposes and may contribute toward the costs of developing local parks and other such recreational facilities on such areas;

NOW THEREFORE BE IT RESOLVED that the California Transportation Commission hereby authorizes the Department to enter into leases with public agencies without specific California Transportation Commission approval for each airspace lease whenever the Department finds:

- . That the lessee is a public entity as defined in the Government Code.
- . That the lease will fulfill a public purpose.
- . That the Department will receive fair market rent for the property.

BE IT FURTHER RESOLVED that when it is determined that park or recreational use is appropriate, the Department may use as all or part of the consideration for a lease for park or recreation purposes any substantial benefits the Department derives from the local agency's maintenance or landscaping costs which would otherwise be the obligation of the Department whenever the Department finds:

- . That the lessee is a municipality or other local agency as defined in the Government Code.
- . That the use is for park or recreational purposes only.
- . That the lessee agrees that whenever the leased land is needed for Transportation purposes the lease shall terminate.

BE IT FURTHER RESOLVED that Attachment 2 to the Resolution Continuing Policies and Delegations adopted by the California Transportation Commission March 9, 1978 is hereby rescinded.